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10/577,294	04/29/2006	Louis Robert Litwin	PU030110	8042

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EXAMINER	
PHU, PHUONG M	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,294	LITWIN, LOUIS ROBERT	
	Examiner	Art Unit	
	Phuong Phu	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 4/28/09. Accordingly, claims 1-19 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al (2002/0059434), previously-cited.

-Regarding claim 1, Karaoguz et al discloses a network aware mobile device (see figure 4), comprising:

a transceiver (comprising (92)), which identifies one of a plurality of networks with which the transceiver can communicate (see [0044].

Karaoguz et al further teaches that the mobile device comprises a processor, "processor", which runs software code "software code" , the software code configurable to comprise assigning/controlling information associating networks with individual operations which can be performed on each network using the transceiver; e.g. with operations such as: extracting network identity information and timing information from a beacon to join a HomeRF network; joining the HomeRF network; maintaining connections with the HomeRF network; starting a Bluetooth inquiry scan, operations for connection setup for the Bluetooth network; sending/receiving data to/from the Bluetooth network, etc. (see [0070, 0072]).

Karaoguz et al further teaches that the mobile device comprises means (including the processor) for executing the operations when the communication with one of the plurality of networks is permitted, see [0070, 0072]).

Karaoguz et al does not teach a memory which stores the software code, or namely said information associating networks, as claimed.

Using a memory for storing and retrieving information is well-known in the art. For instance, Karaoguz et al uses the memory (84) (see figure 4).

Since Karaoguz et al does not teach in detail how the processor obtains the software code, or namely said information associating networks, it would have been obvious for one skilled in the art to implement Karaoguz et al in such a way that the memory (84) would be used to store and retrieve the software code, or namely said information associating networks, to be obtained by the processor, so that the software code, or namely said information associating networks, would be obtained as required and expected.

-Regarding claim 2, Karaoguz et al teaches that the transceiver is included in one of a telephone, a personal digital assistant, and a portable computer (see [0003, 0009]).

-Regarding claim 3, Karaoguz et al teaches that the plurality of networks are configurable to include one or more of a wireless local area network and a cellular network (see [0003, 0009-0014]).

-Regarding claim 4, Karaoguz et al teaches that the memory is configurable to store a user-programmable table, (e.g., a table comprising "options", e.g., available bandwidth, quality of service, network cost, etc. (see [0048]), a table comprising "types of services" to be displayed to the user (see [0070]), etc.), which associates transceiver operations with network preferences.

-Regarding claim 5, Karaoguz et al teaches that the means for executing includes automatic execution of the operations (see [0048, 0049]).

-Regarding claim 6, Karaoguz et al teaches a function for determining an identity "network identity information" of a network connected to the mobile device (see [0070]).

-Regarding claim 7, as applied to claim 1, Karaoguz et al teaches that the memory stores the software code, which includes an associated time, e.g., 10.24 seconds), such that if the associated time elapses a next network preference is employed to perform the operation (see [0070]), and the memory is configurable to include a list of network preferences associated with one or more operations (see [0084]).

-Regarding claim 8, Karaoguz et al teaches that notification feature, via "a display message" which notifies a user that information, e.g., information on an existence of a network is available (see [0066]), and upon a selection by the user, a software (102) (see figure 4), associated with the information, would be automatically executed for establishing the communication with the network (see [0049, 0066, 0072]). Or in another word, it can be said here that Karaoguz et al teaches that the notification feature which notifies the user that information on an existence of a network (indicated by its associated software) is available to download/retrieve for the execution, wherein the information (indicated by the associated software) is automatically downloaded/retrieved for the execution when communication is established with a network selected by the user.

-Regarding claim 9, Karaoguz et al teaches that the network selected by the user is selected from a list of network preferences associated with one or more operations (see [0048]),

and the device includes an associated time, e.g., 10.24 seconds, such that if the associated time elapses a next network preference is employed to perform the operation (see [0070]).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10, 11, 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Karaoguz et al.

-Regarding claim 10, as similarly applied to claims 1-9 set forth above and herein incorporated, Karaoguz et al discloses a method (see figure 4) for operating a network aware mobile device, comprising:

procedure (comprising (92)) of providing a device that is aware of a plurality of networks in which the device is located;

procedure (comprising a processor "processor") of configuring the device to perform a selected operation in at least one specific network; when the predetermined network can be communicated with, permitting the operation to be performed.

-Regarding claim 11, Karaoguz et al teaches procedure (comprising the processor "processor") of assigning operations to networks.

-Regarding claim 13, Karaoguz et al teaches that the procedure of assigning includes assigning networks to operations in an order of priority such that if a first network is unavailable a next network is employed to perform the operation (see [0070]).

-Regarding claim 14, Karaoguz et al teaches that the procedure of permitting the operation to be performed includes automatically performing the operation once communications with an appropriately selected network have been established (see [0049]).

-Regarding claim 15, Karaoguz et al teaches procedure of identifying the network or networks that the device is in (see [0070]).

-Regarding claim 16, Karaoguz et al teaches that procedure of identifying the network or networks includes identifying the network the device is in by signaling networks to identify themselves (see [0065]).

-Regarding claim 17, Karaoguz et al teaches that procedure of identifying the network or networks includes identifying the network the device is in by receiving network identification signals (see [0070]).

-Claim 18 is rejected with similar reasons set forth for claim 8.

-Claim 19 is rejected with similar reasons set forth for claim 9.

Claim Rejections - 35 USC § 103 (continued)

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al.

-Regarding claim 12, Karaoguz et al does not teach assigning operations to networks includes storing operation assignments in a table, as claimed.

As applied to claims 10 and 11, Karaoguz et al teaches that the processor runs software code "software code" of assigning operations to networks.

Using a memory for storing and retrieving in formation is well-known in the art. For instance, Karaoguz et al uses the memory (84) (see figure 4).

Since Karaoguz et al does not teach in detail how the software code is provided, it would have been obvious for one skilled in the art to implement Karaoguz et al in such a way that the software code, including the operation assignments, would be stored and provided by the memory so that the software would be provided as required and expected.

With the implementation, Karaoguz et al teaches procedure of storing the operation assignments in the memory (84), (the memory considered here equivalent with the limitation "table").

Response to Arguments

7. Applicant's arguments filed on 4/28/09 have been fully considered.

As results, the previous claim rejections have been withdrawn.

Amended claims 1-19, however, are deemed not allowable because of reasons set forth above in this Office Action.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuong Phu
Primary Examiner
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